



United States Department of the Interior
Bureau of Land Management
California Desert District

Decision Record

for

*Programmatic Research Activities
in Peninsular Ranges Bighorn Sheep Habitat,
Riverside and Imperial Counties, California*
BLM EA #: CA-660-01-50

Prepared by:

BLM Palm Springs-South Coast Field Office
Palm Springs, California

and the

BLM El Centro Field Office
El Centro, California

Approved by:

James G. Kenna, Field Manager-PSSCFO

10/5/01
Date

With concurrence by Gregory Thomsen, El Centro FO

DECISION: On behalf of the BLM El Centro Field Office and the Palm Springs-South Coast Field Office, it is our decision to approve the proposed action with additional mitigation measures as described in the Amended Environmental Assessment (EA) number CA-660-01-50 which is incorporated into this Decision Record as an attachment. Compliance with the mitigation measures identified in the Amended EA is required as a condition for conducting research activities on the BLM-managed public lands. The Amended EA shall serve as the basis for issuing authorizations and permits to entities conducting research on the BLM-managed public lands, pending completion of the Coachella Valley Multi-Species Habitat Conservation Plan and California Desert Conservation Area Plan Amendment (CVMSHCP/CDCA Plan Amendment). These mitigation measures shall be incorporated into all authorizations and permits issued, formulated as stipulations, and shall be in the possession of the on-site operator during all undertakings approved herein. In addition, compliance is required with all special terms and conditions stipulated by the US Fish and Wildlife Service in the section 10(a)(1)(A) permit for research activities on Peninsular Ranges bighorn sheep which are incorporated into this decision record as an attachment.

ALTERNATIVES CONSIDERED: The EA analyzed four alternatives: 1) the Proposed Action which summarized the research program as presented in the *Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California* (2000, pp 96-104); 2) the No Action alternative in which no research would be permitted on BLM-managed public lands; 3) the Reduced Research on BLM Land alternative which reduced the number of sheep to be captured on BLM-managed lands; and 4) the Increased Research on BLM Land alternative which increased the number of captured sheep on BLM-managed lands and allowed for liberal use of helicopters in critical habitat. A detailed description of these four alternatives is provided in the attached Amended EA.

RATIONALE for the DECISION: The No Action alternative was not selected because it would fail to provide much needed information to make sound land management decisions promoting recovery of the federally-listed Peninsular Ranges bighorn sheep.

The Increased Research on BLM Land alternative was not selected, even though it would have provided more reliable data about bighorn sheep. At the same time, this alternative would have resulted in more impact to bighorn sheep, especially during lambing season. The critical status of this species prompts BLM to be more conservative in allowing impacts to these sheep to occur, and would instead encourage researchers to conduct such research on non-federally-listed bighorn sheep elsewhere.

The Reduced Research on BLM Land alternative was not selected, even though the total number of sheep captured and collared would have been the same as the Proposed Action. Limiting the number of captures on BLM-managed lands presented several obstacles with regards to reliability of the data -especially distribution models, being able to effectively discern the checkerboard pattern of public land ownership from the air, and being able to safely land a helicopter in steep and rugged terrain.

The Proposed Action, with additional mitigation measures as described in the attached Amended EA, is the selected alternative. This alternative provided the best balance in meeting BLM's need to obtain information about bighorn sheep, while minimizing impacts to bighorn sheep from research endeavors. The additional mitigation measures were deemed necessary to ensure research efforts would result in a public benefit by providing to BLM information necessary to make sound land management decisions in order to promote recovery of the sheep.

The information needs to support recovery include: 1) population estimates of sufficient reliability to closely follow annual and long-term trends, 2) location data to match to habitat modeling which includes the number, sex and location of sheep relative to time and various landscape features (for example lambing areas, watering locations, trails, etc.). BLM analysis concludes this information should better inform future decision making processes, provided it is available in a form suitable for public decision making and it is gathered in a manner that avoids significant risk to individuals or groups of sheep.

The mitigation includes reporting requirements designed to respect the needs of researchers working on a project while still ensuring information from research uses on public lands is sufficiently available to meet the needs of public decision making processes. Additional mitigation measures are designed to ensure research methods employed are those which minimize impacts to the federally listed Peninsular Ranges bighorn sheep, while accomplishing the research purpose and providing for any unanticipated results. Mitigation also sets clear criteria for evaluating research proposals until the land use plan is formally amended. The intent is to ensure that any potential disturbance by research land uses on public land provides information that contributes to population recovery and does not create significant adverse effects to the sheep themselves.

LAND USE PLAN CONFORMANCE and REGULATORY COMPLIANCE: The Proposed Action and alternatives are in conformance with the *California Desert Conservation Area Plan* (1980, as amended) which states in Chapter 1 that "Research activities conducted on the public lands in the CDCA will require the approval of the authorized officer."

This approved action is only a interim action pending completion of the CDCA Plan Amendment for the Coachella Valley Multi-Species Habitat Conservation Plan. The CDCA Plan Amendment will consider the cumulative impacts to the Peninsular Ranges bighorn sheep from all public land uses and seek long-term land management solutions to facilitate recovery of the sheep. Through the multi-species planning process being conducted in the Coachella Valley, BLM is working in partnership with the local jurisdictions and constituents to develop a BLM land use plan which provides for a variety of public land uses while achieving endangered species recovery. Continued public input to ensure a balanced approach during this planning process will be key to successful implementation of the Coachella Valley multi-species plan and CDCA Plan Amendment.

Formal section 7 consultation with the USFWS was initiated August 28, 2001 to address potential adverse impacts to the federally listed Peninsular Ranges bighorn sheep. On October 5, 2001, the USFWS made a determination that the Proposed Action with additional mitigation measures would effectively avoid and minimize short-term adverse effect to the sheep. Moreover, the proposed action with additional mitigation measures is consistent with the internal section 7 consultation conducted by the USFWS and the subsequent Section 10(a)1(A) permits issued to the research proponents. As this matter was fully addressed informally, the USFWS concluded that our respective interagency section 7 responsibilities had been satisfied.

Pursuant to Section V of the State Protocol Agreement (1998) between the Bureau of Land Management - California (BLM), and the California State Historic Preservation Officer, and in accordance with 36 CFR Part 800, the BLM has made the following findings and determinations for this proposed federal action. In accordance with 36 part 800.3(a), the BLM has determined that this proposed Federal action is an undertaking as defined in in 36 CFR Part 800.16(y), but it is not the type of activity that has the potential to cause effects on historic properties. In accordance with the Protocol, BLM has satisfied its responsibilities to take into account the effects of this undertaking on historic properties that may be included or eligible for inclusion on the National Register of Historic Places and has no further obligations under Section 106. A signed copy of the "Findings and Determinations for Historic Properties" is attached.

FINDING OF NO SIGNIFICANT IMPACT: Environmental impacts associated with the proposed action have been assessed. Based on the analysis provided in the attached EA, we conclude the approved action is not a major federal action and will result in no significant impacts to the environment under the criteria in Title 40 Code of Federal Regulations 1508.18 and 1508.27. Preparation of an Environmental Impact Statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

PUBLIC PARTICIPATION AND RESPONSE TO COMMENTS: The EA for programmatic research activities on BLM-managed public lands was developed in coordination with the Peninsular Ranges Bighorn Sheep Recovery Team, consisting of bighorn sheep experts from various research institutions, and Federal and State agencies. The EA was released for a 30-day public review period on August 28, 2001. Copies were directly mailed to over 60 private entities and local agencies. Availability of the EA was announced via a News Release (dated August 28, 2001) and the EA was published on the BLM web site at www.ca.blm.gov. In addition, a Notice of Proposed Action (NOPA) in wilderness was released August 22, 2001.

At the close of the public comment period on September 27, 2001, BLM received comment letters from 16 entities. BLM put together a team of interdisciplinary specialists (recreation, realty, wildlife, wilderness, planning and NEPA) to review the public comments and to prepare responses to the substantive comments. The comment letters and response to comments are incorporated into this Decision Record as an attachment. The EA was revised to reflect changes in response to the public comments.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4, and the information provided in Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 1260, North Palm Springs, California 92258, within 30 days of the date of this decision record. The appellant has the burden of showing that the decision appealed from is in error. This 30-day appeal period shall run concurrently with the 30-day review period for the Amended EA as provided in 40 CFR 1506.10.



United States Department of the Interior

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*Visit us on the Internet at
www.ca.blm.gov/palmsprings*

IN REPLY REFER TO:
1795P
CA660.21

Dear Citizen:

The El Centro and Palm Springs-South Coast Field Offices present for your use the Decision Record for Programmatic Research Activities in Peninsular Ranges Bighorn Sheep Habitat, Riverside and Imperial Counties, California. The selected alternative is the Proposed Action with additional mitigation measures as described in the Amended Environmental Assessment Number CA-660-01-50. This alternative provided the best balance in meeting BLM's need to obtain information about bighorn sheep, while minimizing impacts to bighorn sheep from research endeavors. The additional mitigation measures were deemed necessary to ensure research efforts would result in a public benefit by providing to BLM information necessary to make sound land management decisions in order to promote recovery of the sheep. The mitigation measures are designed to ensure research methods employed minimize impacts to the federally listed Peninsular Ranges bighorn sheep and support public decision making processes.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4. If an appeal is taken, your notice of appeal must be filed in the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 1260, North Palm Springs, California 92258, within 30 days of the date of this decision record. The appellant has the burden of showing that the decision appealed from is in error. This 30-day appeal period shall run concurrently with the 30-day review period for the Amended EA as provided in 40 CFR 1506.10.

The BLM El Centro and Palm Springs-South Coast Field Offices would like to thank all the researchers, Federal and State agencies and interested members of the public for providing input into this decision making process. BLM management of the public lands benefits from the open exchange of ideas. We believe a collaborative approach to stewardship of the public lands is the best way to ensure an enduring public benefit. While there are a myriad of public interests which at times appear to be in conflict, your input helps to promote a balanced approach. If you have any questions, please contact Ms. Rachelle Huddleston-Lorton of my staff at (760) 251-4855.

Sincerely,

James G. Kenna
Field Manager



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California Desert District Office
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IN REPLY REFER TO:
8100(P)
CA-660-01-50
(CA-062.40)

FINDINGS AND DETERMINATIONS FOR HISTORIC PROPERTIES

Programmatic Peninsular Ranges Bighorn Sheep Research Riverside County, California

Pursuant to Section V of the State Protocol Agreement (1998) between the Bureau of Land Management - California (BLM), and the California State Historic Preservation Officer, and in accordance with 36 CFR Part 800, the BLM has made the following findings and determinations for this proposed federal action.

In accordance with 36 part 800.3(a), the BLM has determined that this proposed Federal action is an undertaking as defined in in 36 CFR Part 800.16(y), but it is not the type of activity that has the potential to cause effects on historic properties, nor is it the type of activity that is intended to be reviewed under under Section 106 of the National Historic Preservation Act.

In accordance with the Protocol, BLM has satisfied its responsibilities to take into account the effects of this undertaking on historic properties that may be included or eligible for inclusion on the National Register of Historic Places and has no further obligations under Section 106.


Field Manager

10/5/01
Date